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EXAMINER

BACHNER, REBECCA M

ART UNIT	PAPER NUMBER
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3623

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/034,948

Applicant(s)

GORDON, THOMAS A

Examiner

Rebecca M Bachner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***Detailed Action***

This is a first office action on the merit. Claims 1-68 are pending.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 3-4, 11, 13, 34, and 42, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said at least one selected graphic". However, there is insufficient antecedent basis for this limitation in the claim as the graphic is not referred to earlier in the claim.

Claim 3, 4, and 60 are indefinite as there is no mention of "users" in the dependent claim 1. Therefore, it is unclear what is meant by the word "user" and how they are distinguishable from a "customer".

Claim 11 is unclear as "final location" is not defined in the claims or specification and therefore it is assumed to just be any location.

Claim 13 is indefinite as "final product" is not defined in the specification or the claims. Claim 13 is also indefinite as it is unclear as to how a "simulated texture" can be printed from one's computer.

Claim 34 is unclear as "future environment" is not defined in the specification or the claims. The future environment was interpreted as any possible environment.

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Claim 42 is unclear as it states that the "database comprises construction elements" and the construction elements are not clearly defined in the claims or specification.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 57-59 rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (U.S. P.N. 6,195,694).

As per claim 57, Chen et al. discloses a kiosk system for selecting a product in a store, said kiosk system comprising:

means for generating a personal file for a customer (see column 6, lines 66-67, through column 7, lines 1-27, a personal file is generated for a customer);

at least one database having data regarding various products (see column 15, lines 54-60, a database is disclosed);

means for allowing to select at least one selected product from at least one of said database (see column 16, lines 8-18, a product is selected from the database); and

means for viewing said at least one selected product (see column 16, lines 8-18, the product is shown to the user to view).

As per claim 58, Chen et al. discloses the kiosk system according to Claim 57 wherein said kiosk system has salability of running advertisements during idle time (see column 14, lines 27-48, the kiosk can run advertisements during idle time).

As per claim 59, Chen et al. disclose the kiosk system according to Claim 57. further comprising: means for matching said at least one selected product to other products (see column 14, lines 43-57, products with a category are matched).

Please note that due to the breadth of claim 1, it will be rejected below multiple times.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 25-26, 43, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Outlook 2000.

As per claim 1, Outlook discloses a system for managing a development project, said system comprising:

means for generating a personal file for a customer (see pages 5-14, a personal file is generated for the customer);

means for allowing said customer to select at least one selected feature (see pages 5-14, the customer can use a variety of features from Outlook); and

means for viewing said at least one selected graphic (see pages 6-8, 10-13, Outlook is run on a GUI with display windows).

Outlook does not explicitly disclose at least one database having data. However, it is well-known in the art to store data from one's computer in a database. Therefore, it would have been obvious to one of ordinary skill at the time of the invention to disclose

using a database to store the data for the user of Outlook as it allows one to quickly and efficiently retrieve data.

As per claim 2, Outlook discloses the system according to Claim 1 further comprising: means for providing repeated access for said customer (see pages 5-14, the customer can repeated access their Outlook schedule).

As per claim 3, Outlook discloses the system according to Claim 1 further comprising: means for allowing said customer to allow access to other types of users (see pages 28-28, the customer can access other users).

As per claim 4, Outlook discloses the system according to Claim 1 wherein said customer can access schedule of other users (see pages 28-28, the customer can access schedule of others).

As per claim 25, Outlook discloses the system according to Claim 1 further comprising: at least one interaction module allowing said customer to manipulate said data (see pages 42-46, the data is manipulated).

As per claim 26, Outlook discloses the system according to Claim 25 wherein said interactive module prompts said customer for relevant information and based on provided information outputs suitable choices for said customer (see pages 42-36, the

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customer enters information into the module and suitable choices are provided to the customer).

As per claim 43, Outlook discloses the system according to Claim 1 wherein said database includes times for completion of various construction tasks (see pages 43-46, the times for task completion is shown).

As per claim 60, Outlook discloses a system for collaborating on a development project for a customer, said system comprising:

means for generating a personal file for said customer (see pages 5-14, a personal file is generated for the customer);

means for providing repeated access for said customer (see pages 5-14, the customer can repeated access their Outlook schedule);

means for allowing said customer to allow access to other users (see pages 28-28, the customer can access other users); and

at least one interactive module allowing said customer to interact with at least one of said database to make product selections (see pages 42-36, the customer enters information into the module and suitable choices are provided to the customer) and to allow said customer access to schedule of said other users (see pages 28-28, the customer can access schedule of others).

Outlook does not explicitly disclose at least one database having data. However, it is well-known in the art to store data from one's computer in a database. Therefore, it



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would have been obvious to one of ordinary skill at the time of the invention to disclose using a database to store the data for the user of Outlook as it allows one to quickly and efficiently retrieve data.

7. Claims 1, 5-17, 35, and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Internet Wallpaper Store.

As per claim 1, The Internet Wallpaper Store discloses a system for managing a development project, said system comprising:

means for allowing said customer to select at least one selected feature (see pages 3-9, the customer can pick from a plurality of wallpaper and boarder designs); and

means for viewing said at least one selected graphic (see pages 5-9, the user can view the graphics of the wallpaper and the boarders).

The Internet Wallpaper Store does not explicitly disclose at least one database having data. However, the Internet Wallpaper Store is run by user's personal computers connected to the World Wide Web. It is old and well-known in the art for Internet companies to use databases to store their product information. Therefore, it would have been obvious to one of ordinary skill in the art to have The Internet Wallpaper Store have a database so that a user can easily and efficiently assess the large variety of wallpaper and boarder designs that the store offers.

The Internet Wallpaper Store also does not explicitly disclose a means for generating a personal file for a customer. However, a user can order wallpaper from The Internet Wallpaper Store and the items can also be stored in a shopping cart. It is old and well-known in the art for a user to enter personal information, such as billing address, into the shopping cart. Therefore, it would have been obvious to one of ordinary skill at the time of the invention to disclose generating a personal file for a customer as it would allow a repeat customer to easily purchase wallpaper without having to retype their personal information.

As per claim 5, The Internet Wallpaper Store discloses the system according to Claim 1, wherein the graphic can be viewed (see pages 1,5-9, and 11, the graphic is viewed on the website). The Internet Wallpaper Store does not explicitly disclose a means for viewing is a printing unit allowing said customer to print at least one selected graphic thereon. However, it is old and well known in the art to have a printer attached to a computer which prints information and/or graphics from the computer. (i.e. The printed pages attached show the wallpaper samples). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to disclose printing the wallpaper from the Internet onto paper in the printer as it allows one to better view the design of the graphic.

As per claim 6, The Internet Wallpaper Store discloses the system according to Claim 5 wherein the graphic can be viewed (see pages 1,5-9, and 11, the graphic is

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viewed on the website). The Internet Wallpaper Store does not explicitly disclose wherein said printing unit prints proofs. However, it is old and well known in the art to have a printer attached to a computer which prints information and/or graphics or proofs from the computer. (i.e. The printed pages attached show the wallpaper samples). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to disclose printing the wallpaper proof from the Internet onto paper in the printer as it allows one to better view the design of the graphic.

As per claim 7, The Internet Wallpaper Store discloses the system according to Claim 6 wherein said proofs are samples of wallcovering (see pages 1, 5-9, and 11, the proofs are wallcoverings).

As per claim 8, The Internet Wallpaper Store discloses the system according to Claim 6 wherein said proofs are wallcoverings such as trim or border to be retained as such (see pages 1, 5-9, and 11, the proofs are wallcoverings, trims, or boarders).

As per claim 9, The Internet Wallpaper Store discloses the system according to Claim 6 wherein said proofs are samples of wallcovering such as trim or border to be used a sample (see pages 1, 5-9, and 11, the proofs are samples of wallcoverings, trims, or boarders).

As per claim 10, The Internet Wallpaper Store discloses the system according to Claim 6, wherein the wallpaper proof can be viewed on a website (see pages 1,5-9, and 11, the wallpaper is viewed on the website). The Internet Wallpaper Store does not explicitly disclose wherein said proofs are printed on a large sheet material for customer to apply to a final location. However, it is old and well known in the art to have a printer attached to a computer which prints information and/or graphics from the computer. The sheet of paper in a computer printer may vary in size. It is old and well known in the art for a person with a wallpaper sample to move the sheet of paper to anywhere in their home and use tape to stick the sample to their wall to get a sense of what the wallpaper would look like in a particular room. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to disclose printing the wallpaper from the Internet onto a large sheet of paper from the printer as it allows one to better view the design of the graphic. One would be motivated to print a large copy of the wallpaper as it allows the customer to easily see the sample and helps allow the customer to imagine what the wallpaper would look like in a room.

As per claim 11, The Internet Wallpaper Store discloses the system according to Claim 6, wherein the wallpaper proof can be viewed on a website (see pages 1,5-9, and 11, the wallpaper is viewed on the website). The Internet Wallpaper Store does not explicitly disclose wherein said proofs are printed on self adhesive material to be applied to a final location. However, it is old and well known in the art to have a printer attached to a computer which prints information and/or graphics from the computer. The

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types of paper used in a computer printer may vary. For example, it is old and well known in the art to print mailing labels (with adhesive material) using a computer printer. It is also old and well known in the art for a person with a wallpaper sample to move the sheet of paper to anywhere in their home and tape the sample to their wall to get a sense of what the wallpaper would look like in a particular room. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to disclose printing the wallpaper from the Internet onto an adhesive sheet as it allows one to better view the design of the graphic. One would be motivated to print a copy of the wallpaper on an adhesive sheet as it allows the customer to easily post the sample on a wall in the room and helps allow the customer to imagine what the wallpaper would look like in the room.

As per claim 12, The Internet Wallpaper Store discloses the system according to Claim 6 wherein said printing unit prints an indicia including information regarding said proof for future reference and reorder (see page 11, indicia including information regarding said proof for future reference and reorder can be printed).

As per claim 13, The Internet Wallpaper Store discloses the system according to Claim 5. The Internet Wallpaper Store does not explicitly disclose printing unit prints a final product with simulated texture. However, it is old and well known in the art to print with a simulated texture. Therefore, it would have been obvious to one of ordinary skill

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in the art at the time of the invention to print with a simulated texture as it allows the user to more easily determine what the wallpaper would look and feel like inside a room.

As per claim 14, The Internet Wallpaper Store discloses the system according to Claim 5. The Internet Wallpaper Store does not explicitly disclose wherein said printing unit prints a metallic foil product. However, it old and well-known in the art to have a printer print ink on a flat sheet. The flat sheet used for printing is usually white paper, but could also be any type of colored surface as well. (i.e. Banners can be printed on a computer.) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose a metallic foil product being used for a printing surface as it would allow one to print a pattern on a different background.

As per claim 15, The Internet Wallpaper Store discloses the system according to Claim 1 wherein said means for viewing is a monitor unit allowing said customer to view at least one selected graphic thereon (see pages 1,5-9, and 11, the graphic is viewed on the website).

As per claim 16, The Internet Wallpaper Store discloses the system according to Claim 1, wherein the wallpaper proof can be viewed on a website (see pages 1,5-9, and 11, the wallpaper is viewed on the website). The Internet Wallpaper Store does not explicitly disclose wherein said means for viewing is a printing unit for printing said selected graphic on material with adhesive properties. However, it is old and well

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known in the art to have a printer attached to a computer which prints information and/or graphics from the computer. The types of paper used in a computer printer may vary. For example, it is old and well known in the art to print mailing labels (with adhesive material) using a computer printer. It is also old and well known in the art for a person with a wallpaper sample to move the sheet of paper to anywhere in their home and tape the sample to their wall to get a sense of what the wallpaper would look like in a particular room. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to disclose printing the wallpaper from the Internet onto an adhesive sheet as it allows one to better view the design of the graphic. One would be motivated to print a copy of the wallpaper on an adhesive sheet as it allows the customer to easily post the sample on a wall in the room and helps allow the customer to imagine what the wallpaper would look like in the room.

As per claim 17, The Internet Wallpaper Store discloses the system according to Claim 1 wherein, wherein the wallpaper proof can be viewed on a website (see pages 1,5-9, and 11, the wallpaper is viewed on the website). The Internet Wallpaper Store does not explicitly disclose said means for viewing is a printing unit for printing said selected graphic for permanent application on material with adhesive properties. However, it is old and well known in the art to have a printer attached to a computer which prints information and/or graphics from the computer. The types of paper used in a computer printer may vary. For example, it is old and well known in the art to print mailing labels (with permanent adhesive material) using a computer printer. It is also

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old and well known in the art for a person with a wallpaper sample to move the sheet of paper to anywhere in their home and tape the sample to their wall to get a sense of what the wallpaper would look like in a particular room. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to disclose printing the wallpaper from the Internet onto an adhesive sheet as it allows one to better view the design of the graphic. One would be motivated to print a copy of the wallpaper on an adhesive sheet as it allows the customer to easily post the sample on a wall in the room and helps allow the customer to imagine what the wallpaper would look like in the room.

As per claim 35, The Internet Wallpaper Store discloses the system according to Claim 1 wherein said database includes a plurality of product choices (see pages 1-6, there are various products).

As per claim 53, The Internet Wallpaper Store discloses the system according to Claim 1 wherein said system can be accessed through a world wide web (see page 1, the Internet Wallpaper stored is located on the world wide web).

As per claim 54, The Internet Wallpaper Store discloses a system for generating large scale graphics, said system comprising:

data regarding various products (see pages 1-6, there are various products);

means for selecting at least one product (see pages 11-12, one of the products can be selected).



The Internet Wallpaper Store does not explicitly disclose a database or a printing unit for printing said product as a large scale graphic on self adhesive sheet material for subsequent application. However, it is old and well known in the art to have a printer attached to a computer which prints information and/or graphics from the computer. The types of paper used in a computer printer may vary. For example, it is old and well known in the art to print mailing labels (with adhesive material) using a computer printer. It is also old and well known in the art for a person with a wallpaper sample to move the sheet of paper to anywhere in their home and tape the sample to their wall to get a sense of what the wallpaper would look like in a particular room. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to disclose printing the wallpaper from the Internet onto an adhesive sheet as it allows one to better view the design of the graphic. One would be motivated to print a copy of the wallpaper on an adhesive sheet as it allows the customer to easily post the sample on a wall in the room and helps allow the customer to imagine what the wallpaper would look like in the room.

As per claim 55, The Internet Wallpaper Store discloses the system according to Claim 54, wherein said large scale graphic is a wallpaper product (see pages 1,5-9, and 11, the graphic is a wallpaper product).

As per claim 56, The Internet Wallpaper Store discloses the system according to Claim 1 wherein said wallpaper product is a wallpaper border (see pages 1, 5-9, and 11, the graphics are samples of wallcoverings, trims, or boarders).

8. Claims 1, 18-19, 21-23, 27-34, 36, 41-42, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sierra.com.

As per claim 1, Sierra.com discloses a system for managing a development project, said system comprising:

means for generating a personal file for a customer (see page 36, the user's information and selections are stored in the software as the user can save the work they have done and revisit it later; the user can also record "walkthroughs" of their newly designed house);

means for allowing said customer to select at least one selected feature (see pages 35-36, the customers select paint colors, wallpaper, or furnishings); and

means for viewing said at least one selected graphic (see page 36, Sierra allows the user to view the redecorated or designed home).

Sierra does not explicitly disclose at least one database having data. However, it is old and well-known in the art to store data on a database. The Sierra software would store the various data in the database on the user's computer. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose

storing data on a database as it allows as user to easily assess the data needed to design or redecorate a model one's home on Sierra's software.

As per claim 18, Sierra.com discloses the system according to Claim 1 further comprising:

at least one application module allowing said customer to manipulate said data (see pages 5 and 9, the customer can manipulate the data).

As per claim 19, Sierra discloses the system according to Claim 18 wherein said application module allows calculation of total cost for a project, including cost for material and labor therefore (see pages 12, 15-16, and 34, the total cost can be calculated).

As per claim 21, Sierra discloses the system according to Claim 18. Sierra wherein said application module provides automatic cost adjustment in response to a change in said project (see pages 12, 15-16, and 34, the total cost can be recalculated in response to a change in the project).

As per claim 22, Sierra discloses the system according to Claim 18. Sierra does not explicitly disclose wherein said application module provides a heuristic suggestion algorithm for providing refined suggestions to said customer. However, it is old and well known in the art to have a heuristic algorithm that provides suggestions to a customer.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a heuristic algorithm so it would be easier for a customer to select items, such as wallpaper or paint color, for redecorating a home.

As per claim 23, Sierra discloses the system according to Claim 18. Sierra also teaches storing the customer information (see pages 35-36). Sierra does not explicitly disclose wherein said application module provides a coordination algorithm for tracking selections made by said customer. However, it is old and well known in the art to track selection made by a customer. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose tracking the customer's selections as it allows one to keep a record of which products the customer expressed interest.

As per claim 27, Sierra.com discloses the system according to Claim 1 further comprising:

means for generating instructions for installing a product selected by said customer (see pages 17-23, instructions are generated for installing a product).

As per claim 28, Sierra.com discloses the system according to Claim 1 further comprising:

means for generating instructions for tool and accessory requirement for a product selected by said customer (see pages 20-23, the necessary tools and materials to install a product are also given to the customer).

As per claim 29, Sierra.com discloses the system according to Claim 1. Sierra does not explicitly disclose a means for generating delivery instructions for a product selected by said customer. However, it is old and well known that once a product is ordered that delivery instructions are given to a customer. Sierra allows a customer to design their home and the next logical step is to order the needed parts to redecorate or repair their home. Therefore, it would be obvious to one of ordinary skill in the art to generate delivery instructions for a product sent by a customer as it allows a customer to easily obtain the necessary parts to remodel or redecorate his/her home.

As per claim 30, Sierra.com discloses the system according to Claim 1 further comprising:

at least one help module for providing helpful suggestions to said customer based on customer selections (see pages 20-23, instructions and helpful suggestions are given to the customer depending on what the customer is installing).

As per claim 31, Sierra.com discloses the system according to Claim 1 further comprising:

at least one help module for providing a help list to said customer based on customer selections (see pages 17-23, the improvement guide is a help list to assist the customer in home improvements based on what the customer selects that he/she is installing).

As per claim 32, Sierra.com discloses the system according to Claim 1 further comprising:

a decorator module for providing access to a decorator and enabling said decorator to use said system at a customer location (see page 30, the image of a room can be manipulated with Sierra's home Architect or CompleteHome software).

As per claim 33, Sierra.com discloses the system according to Claim 32 wherein said decorator module comprises:

capturing an image of said customer location (see page 30, Sierra home allows you to input an actual picture of your home into the computer); and

a computer for displaying said image and manipulating said image (see page 30, the image is displayed and manipulated).

Sierra.com does not explicitly disclose a digital camera for capturing the image. However, digital cameras are old and well known in the art. Therefore, it would be obvious to use a digital camera as Sierra allows any photograph or image of the house to be manipulated to determine how improvements will look.

As per claim 34, Sierra.com discloses the system according to Claim 33 wherein said customer will be able to preview selections on a computer in its future environment (see page 30, the selections can be previewed in their future environment).

As per claim 36, Sierra.com discloses the system according to Claim 1 wherein the system includes a plurality of paint choices (see pages 35-36, Sierra contains a plurality of paint choices). Sierra does not explicitly disclose a database. However, it is old and well-known that a computer contains a database that stores information from a software program. Therefore, it would have been obvious to one of ordinary skill in the art to disclose storing the paint choices in a database as it allows the user to easily access the various selections.

As per claim 41, Sierra.com discloses the system according to Claim 1 wherein the system includes a plurality of wallcovering choices (see page 35, Sierra contains a plurality of wallcoverings). Sierra does not explicitly disclose a database. However, it is old and well-known that a computer contains a database that stores information from a software program. Therefore, it would have been obvious to one of ordinary skill in the art to disclose storing the wallpaper choices in a database as it allows the user to easily access the various selections.

As per claim 42, Sierra.com discloses the system according to Claim 1 wherein said database comprises various construction elements (see page 20, the computer where the software is run contains a database and the construction elements are listed on the computer and stored in the database with the software).

As per claim 63, Sierra.com discloses the method of Claim 19. Sierra contains a plurality of wallpapers and paints for the user to choose from to decorate their home (see pages 35-36). Sierra does not explicitly disclose further comprising a subsequent step of printing each of chosen samples on a printer unit. However, it is old and well known in the art to have a printer attached to a computer. A color printer can print the chosen samples from the screen onto a sheet of paper. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose printing each of chosen samples on a printer unit as it allows a user to have a portable copy that is easy to present to others.

9. Claims 1 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsuoka et al. (U.S. P.N. 6,466,914).

As per claim 1, Mitsuoka et al. discloses a system for managing a development project, said system comprising:

at least one database having data (see column 7, lines 29-36, the database contains job information data);

means for allowing said customer to select at least one selected feature from at least one of said database (see column 7, lines 29-36, the contractor selector uses the data in the data base to choose a contractor); and



means for viewing said at least one selected graphic (see figures 3 and 6, the forms are computer graphics for the user to view to enter information).

Mitsuoka et al. does not explicitly disclose a means for generating a personal file for a customer. However, it is old and well known in the art for a system to contain a personal file for a customer in their database. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose a personal file as it allows the job provider to quickly enter the new information for the job without having to reenter their personal information.

As per claim 24, Mitsuoka et al. discloses the system according to Claim 1 further comprising: means for coordinating schedule of said customer with availability date of an installer of materials and schedule of an installer (see column 10, lines 1-17, the schedules of the contractors are coordinated).

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10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sierra.com in further view of Matoba et al. (U.S. P.N. 5,231,567).

As per claim 20, Sierra discloses the system according to Claim 18. Sierra does not explicitly disclose wherein said application module provides automatic scheduling adjustment in response to a change in said project. However, Matoba et al. discloses adjusting a schedule in response to a change in a project (see abstract, and column 2, lines 40-52). It would have been obvious to one of ordinary skill in the art at the time of the invention to disclose scheduling with Sierra.com as the customer would want to implement their new design or redecoration in their home by hiring a contractor.

11. Claims 37-40, and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sierra in further view of Wyman et al. (U.S. P.N. 4,813,000).

As per claim 37, Sierra discloses the system according to Claim 1. Sierra does not explicitly disclose wherein said database allows custom mix of colors. However, Wyman et al. discloses a custom mix of colors (see abstract, and column 4, lines 30-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose mixing colors so that the colors decided by the customer in Sierra.com's software are exactly as the customer wants them to look.

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As per claim 38, Sierra discloses the system according to Claim 1. Sierra does not explicitly disclose wherein said database allows custom matching of colors of various products. However, Wyman et al. discloses custom matching of colors of various products (see abstract and column 2, lines 51-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose mixing colors so that the colors decided by the customer in Sierra.com's software match the other colors in the house.

As per claim 39, Sierra discloses the system according to Claim 1. Sierra does not explicitly disclose wherein said database allows color matching to existing paint. However, Wyman et al. discloses color matching to existing paint (see abstract, and column 2, lines 51-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose mixing colors so that the colors decided by the customer in Sierra's software are the same colors that the customer will have in their house.

As per claim 40, Sierra discloses the system according to Claim 1. Sierra discloses selecting wallpaper (see pages 35-37). Sierra does not explicitly disclose wherein said database allows color matching to selected wallpaper. However, Wyman et al. discloses matching colors to existing paint (see abstract, and column 2, lines 51-63). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use Sierra's software with Wyman's matching ability as it would allow the

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user to accurately determine the colors in the wallpaper and match the correct colors to the wallpaper.

As per claim 44, Sierra discloses the system according to Claim 1. Sierra does not explicitly disclose means for coordinating and evaluating color matching of various products, including wall covering, floor covering, paint, appliances and window treatments. However, Wyman discloses the color is matched to existed paint (see abstract, and column 2, lines 51-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Sierra's software with Wyman's matching ability as it would allow the user to accurately determine and match the colors in the wallpaper, floor, paint, and appliances.

As per claim 45, Sierra discloses the system according to Claim 1. Wyman et al. discloses color matching (see abstract, and column 2, lines 51-63, the color is matched to existing paint). However, neither Sierra nor Wyman et al. explicitly disclose means for digitally matching color of various products after passing of time. However, it is old and well known in the art that colors fade. It is also old and well known in the art to match colors in a room so that the room matches for a long period of time. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to teach digitally matching color of various products as one would want to ensure that fading colors did not clash in a particular environment.

12. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman et al. (U.S. P.N. 4,813,000).

As per claim 61, Wyman et al. discloses a system for matching at least one product, said system comprising:

means for allowing said customer to match and select at least one matched product from at least one of said database to match a particular color (see abstract, and column 4, lines 30-35, the colors are matched).

However, Wyman et al. did not explicitly disclose at least one database having data regarding various products; and a means for printing said at least one matched graphic. However, it is old and well known in the art for a computer to contain a database that has data on various products. It is also old and well known in the art to print a graphic from a computer onto an attached printer. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose a database and a printer for matching the paint to the object.

13. Claims 1 and 46-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angles et al. (U.S. P.N. 6,385,592).

As per claim 1, Angles et al. discloses a system for managing a development project, said system comprising:

means for generating a personal file for a customer (see column 3, lines 6-42, a personal file is generated for a customer);

at least one database having data (see column 3, lines 21-31, the data is stored in the database);

means for viewing said at least one selected graphic (see abstract, advertisements are shown to the user to view).

Angles et al. discloses that the customer can select any advertisement and that information is tracked in the database (see abstract and column 3, lines 5-63); Angles et al. does not explicitly disclose means for allowing said customer to select at least one selected feature from at least one of said database. However, the user's profile information is stored in a database and the advertisements are selected based on the user's profile. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose allowing the customer to select at least one selected feature from at least one of said database as it would allow the customers to directly choose the advertisements they wish to see. One would be motivated to have them choose their own advertisements as it may increase their chances of buying the product.

As per claim 46, Angles et al. disclose the system according to Claim 1 wherein said system has capability of running advertisements (see abstract, the system runs advertisements).

As per claim 47, Angles et al. discloses the system according to Claim 46 wherein said advertisements are based on customer viewing behavior (see abstract, the system runs targeted advertisements based on the customer).

As per claim 48, Angles et al. discloses the system according to Claim 1 further comprising:

means for capturing customer preferences during customer previewing of a product (see abstract, and column 3, lines 5-55, the customers preferences are tracked).

As per claim 49, Angles et al. discloses the system according to Claim 1. Angles et al. also discloses that the customers' preferences are tracked (see abstract, and column 3, lines 5-55). Angles et al. did not explicitly disclose a means for capturing customer purchases for record keeping and subsequent reordering. However, the customers' purchases are tracked and therefore recorded and it is old and well known in the art to use customer recorders to reorder a purchase. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose a means

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for capturing customer purchases for record keeping and subsequent reordering as it allows the customer to conveniently purchase an item again.

As per claim 50, Angles et al. discloses the system according to Claim 1 further comprising:

a kiosk located remotely in a retail store and having access to said system for said customer to access said personal file (see column 2, lines 49-62).

As per claim 51, Angles et al. discloses the system according to Claim 50. Angles et al. disclose a kiosk running advertisements (see abstract). Angles et al. does not explicitly disclose that the system has capability of running advertisements during idle time. However, it is old and well-known in the art to run advertisements during a time of inactivity. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose a system that runs advertisements during idle time as it allows a customer to see advertisements when they are not busy.

As per claim 52, Angles et al. discloses the system according to Claim 51 wherein said advertisements are based on customer viewing behavior (see abstract and column 3, lines 5-55, the advertisements are based on customer viewing behavior).



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14. Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fritsch (U.S. P.N. 6,233,682) in view of The Internet Wallpaper Store.

As per claim 62, Fritsch discloses a method comprising the steps of:

prompting a customer to input customer password (see abstract, and column 4, lines 5-23, the customer logs onto a website);

determining whether the customer has been previously registered (see abstract, and column 4, lines 5-23, the system determines if the customer has been previously registered);

retrieving previously input customer preferences, if available (see abstract, column 1, lines 36-38, 45-55, and column 4, lines 5-10, the customer preferences are retrieved);

prompting the customer for a plurality of personal preferences (see abstract, the personal preferences for the customer are determined);

providing a plurality of samples to the customer in response to the input personal preferences (see abstract, the samples are chosen in response to the personal preferences); and

allowing the customer to choose one or more samples from the provided plurality of samples (see abstract, and column 3, lines 43-66, the customer chooses samples from among the plurality of samples).

Fritsch does not explicitly disclose checking with the customer whether the previously input customer preferences are still valid. However, Fritsch discloses

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customer preferences and it is old and well known in the art to check if a customer's preferences have changed. Therefore, it would have been obvious to one ordinary skill in the art at the time of invention checking with the customer whether the previously input customer preferences are still valid in order to provide samples that the user would enjoy.

Fritsch does not explicitly disclose that the method is for selecting a wallpaper product. However, The Internet Wallpaper Store teaches selecting wallpaper samples. The Internet Wallpaper store allows a customer to choose samples from a variety of samples and the customer must submit personal information for a file in order to buy a boarder or a wallpaper sample. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Fritsch disclose a wallpaper product as wallpaper is just another type of product where the customer could store preferences and past purchases.

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15. Claim 64 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fritsch (U.S. P.N. 6,233,682) in view of The Internet Wallpaper Store in further view of Chen et al. (U.S. P.N. 6,195,694).

As per claim 64, Fritsch discloses a method comprising the steps of.

allowing access to a customer in response to input customer identification password (see abstract, and column 4, lines 5-23, the customer logs onto a website);

determining whether the customer has been previously registered (see abstract, and column 4, lines 5-23, the system determines if the customer has been previously registered);

retrieving previously input customer preferences, if available (see abstract, column 1, lines 36-38, 45-55, and column 4, lines 5-10, the customer preferences are retrieved);

prompting the customer for a plurality of personal preferences in response to a plurality of prompts (see abstract, the personal preferences for the customer are determined);

providing a plurality of selected samples in response to customer personal preferences (see abstract, the samples are chosen in response to the personal preferences); and

allowing the customer to select one or more samples from the plurality of selected samples (see abstract, and column 3, lines 43-66, the customer chooses samples from among the plurality of samples); and

Fritsch does not explicitly disclose checking with the customer whether the previously input customer preferences are still valid. However, Fritsch discloses customer preferences and it is old and well known in the art to check if a customer's preferences have changed. Therefore, it would have been obvious to one ordinary skill in the art at the time of invention checking with the customer whether the previously input customer preferences are still valid in order to provide samples that the user would enjoy.

Fritsch does not explicitly disclose that the method is for selecting a wallpaper product. However, The Internet Wallpaper Store teaches selecting wallpaper samples. The Internet Wallpaper store allows a customer to choose samples from a variety of samples and the customer must submit personal information for a file in order to buy a boarder or a wallpaper sample. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have Fritsch disclose a wallpaper product as wallpaper is just another type of product where the customer could store preferences and past purchases.

Neither Fritsch nor the Internet Wallpaper Store teach a method for selecting a product through an in-store kiosk, providing a terminal in a store, and running advertisements on said terminal when said terminal is not in use. However, Chen discloses an in-store kiosk where advertisements are displayed during idle time (see column 14, lines 27-48, the kiosk can run advertisements during idle time). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose an in-store kiosk with advertisements as it allows users to access their stored

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information at a store and also allows the terminal to make a profit for the store by selling advertisement space.

16. Claim 65-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over ImproveNet.com.

As per claim 65, ImproveNet discloses a method for coordinating and managing a development project for a customer, said method comprising the steps of:

generating a personal file on a website for said customer (see page 1, the customers complete an online form which is saved and later matched with contractors);

allowing input of personal information regarding said project into the personal file (see page 1, the customers create a form with personal information about their home project);

ImproveNet does not explicitly disclose providing access to said personal information to authorized users, providing privileged access to privileged users, and a

providing means for manipulating said personal information to said customer and said privileged users. However, ImproveNet has customers complete forms stating their construction projects. These forms are not accessible to other customers. They are then matched with contractors and the names of matching contractors are sent to the customer. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose providing access to the personal information to

authorized users, providing privileged access to privileged users, and a providing means for manipulating said personal information to said customer and said privileged users as only authorized personnel can view the customer information form.

As per claim 66, ImproveNet disclose the method for coordinating and managing a development project according to Claim 65 further comprising intermediate steps of:

retrieving previously stored data regarding said customer (see page 1, the forms are stored in order to match the data with a contractor).

ImproveNet does not explicitly disclose verifying whether said customer previously registered and verifying with said customer whether said previously stored data remains valid. However, it is old and well known to verify information such as registration and other data for authorized access. Therefore it would be obvious to one of ordinary skill in the art to see if a customer previously registered with ImproveNet to determine if the customer had completed a form describing their construction project. It would also be obvious to one of ordinary skill in the art at the time of the invention to verify the information on the customer's form as the contractors are matched based on the information provided in the form.

As per claim 67, ImproveNet discloses the method for coordinating and managing a development project according to Claim 65 further comprising an intermediate step of: providing means for calculating cost, labor and material for said project (see page 4, the cost of the project is calculated).

17. Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fritsch (U.S. P.N. 6,233,682).

As per claim 68, Fritsch discloses a method for selecting a product, said method comprising the steps of:

Prompting a customer to input customer password (see abstract, and column 4, lines 5-23, the customer logs onto a website);

Determining whether the customer has been previously registered (see abstract, and column 4, lines 5-23, the system determines if the customer has been previously registered);

Retrieving previously input customer preferences, if available (see abstract, column 1, lines 36-38, 45-55, and column 4, lines 5-10, the customer preferences are retrieved);

Prompting the customer for a plurality of personal preferences (see abstract, the personal preferences for the customer are determined);

Providing a plurality of samples to the customer in response to the input personal preferences (see abstract, the samples are chosen in response to the personal preferences); and

Allowing the customer to choose one or more samples from the provided plurality of samples (see abstract, and column 3, lines 43-66, the customer chooses samples from among the plurality of samples).

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Fritsch does not explicitly disclose checking with the customer whether the previously input customer preferences are still valid. However, Fritsch discloses customer preferences and it is old and well known in the art to check if a customer's preferences have changed. Therefore, it would have been obvious to one ordinary skill in the art at the time of invention checking with the customer whether the previously input customer preferences are still valid in order to provide samples that the user would enjoy.

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Taite et al. (U.S. P.N. 4,318,121) discloses interior decorating with matching colors.

Knudson et al. (U.S. P.N. 5,765,140) discloses using a schedule to determine a contractor.

Kroeger (U.S. P.N. 2002/0133390) discloses a system using a database with status information.

Abecassis (U.S. P.N. 5,291,395) discloses a wallcovering retrieval system.

Build.com discloses an Internet website matching customers and contractors for home improvements.



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19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rebecca Bachner** whose telephone number is 703-305-1872. The examiner can normally be reached on Monday - Friday from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Tariq Hafiz** can be reached on **(703)305-9643**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

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***Washington D.C. 20231***

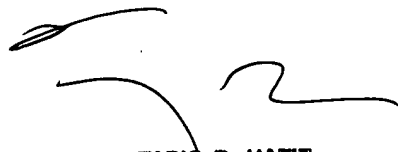
or faxed to:

**(703) 305-7687** Official communications; including After Final communications labeled "Box AF"

**(703) 746-7306** Informal/Draft communications, labeled "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

*RMB*  
RMB  
March 5, 2003

  
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